

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO.: 1:22-CV-22671**

DELIO BATISTA,  
CARLOS LOPEZ,  
MARIANA LOPEZ, and  
RAFAELA VALIENTE,

Plaintiffs,

vs.

AVANT ASSURANCE INC.,  
REINIER CORTES, AND  
ANDREA GONZALEZ QUINTERO,

Defendants,

/

**DEFENDANTS' FIRST REQUEST FOR ADMISSIONS  
TO PLAINTIFF**

Defendants, AVANT ASSURANCE INC., ET AL (hereinafter “Defendants”), by and through undersigned counsel and pursuant to Rule 36 of the Federal Rules of Civil Procedure, hereby request Plaintiff Delio Batista to admit or deny the following matters and deliver them to the undersigned within 30 days of the date of service of these requests.

**DEFINITIONS**

1. “Communication” means any oral or written utterance, notation or statement of any nature whatsoever, by and to whomsoever made, including correspondence, conversations, dialogues, discussions, e-mails, interviews, meetings, consultants, agreements, and other understandings between or among two or more people.
2. “Complaint” means the governing Complaint in the above-captioned action, currently the First Amended Complaint.
3. “Concerning” or “Regarding” means relating to, referring to, describing, evidencing, joining, affecting, showing, reflecting, touching on, bearing on or constituting.
4. “Document” is used in the broadest sense permitted under the Federal Rules of Civil Procedure and includes, but is not limited to, all originals, non-identical copies and copies with marginal notations or interlineations of any writing, e-mail, text message, computer

data, sworn statement, deposition transcript, affidavit, recording, photograph, or other item containing information of any kind or nature, however produced or reproduced, whatever its origin or location, and regardless of the form maintained. The term “Document” also includes all Communications and all Electronically Stored Information.

5. “All Documents” means every document or group of documents or communication as above defined that are known to you or that can be located or discovered by reasonably diligent efforts.
6. “Electronically Stored Information” refers to all computer or electronically stored or generated data and information, and shall include all attachments to and enclosures with any requested item, and all drafts thereof. Electronically Stored Information includes (but is not limited to): e-mails; text messages; messages sent via messaging services/applications (such as WeChat, WhatsApp, Messenger, Facebook Messenger, etc.); word-processing documents; electronic spreadsheets; electronic presentation documents; image files; sound files; and material or information stored in a database, or accessible from a database. Electronically Stored Information also includes all associated metadata that is maintained or saved, which includes: document title or name; file name; date and time of creation; date and time of last edit; identity of author; identity of owner; identities of editors; identities of recipients; changes; history of changes; e-mail header information; history of who viewed an e-mail and when; and e-mail routing information.
7. “Including” shall mean including but not by way of limitation.
8. “Lawsuit” means the above-captioned case, currently pending in the Federal District Court of the Southern District of Florida.
9. “Person” means any natural person, individual, proprietorship, partnership, corporation, association, organization, joint venture, firm, or other business enterprise, governmental body, group of natural persons or other entity.
10. “Agreement” refers to the Articles of Incorporation attached to the Amended Complaint as Exhibit “A.”
11. “Plaintiff” refers to DELIO BATISTA and includes any agents, servants, and other persons acting or purporting to act on Plaintiff’s behalf.
12. “Defendant” refers to Defendants, AVANT ASSURANCE INC, REINER CORTES, and ANDREA GONZALEZ QUITERO and includes any agents, servants, and other persons

acting or purporting to act on Defendant's behalf.

13. All capitalized terms not otherwise defined herein shall have the same meaning ascribed to them in the Amended Complaint.
14. All words in the present tense include the past, and all words in the past tense include the present tense.
15. As used herein, the singular shall include the plural, the plural shall include the singular, and masculine, feminine, and neuter shall include each of the other genders.

### **INSTRUCTIONS**

Unless otherwise instructed, the date range for these requests shall be March 6, 2023 through the date your responses to these requests are served.

### **REQUEST FOR ADMISSIONS PLAINTIFF RAFAELA VALIENTE**

1. Admit that, Plaintiff entered into and executed an Independent Contractor agreement for Services as Free lance Insurance agent.
2. Admit that the Independent Contractors Agreement is in full force, operational and enforceable.
3. Admit that Plaintiff Invoiced defendant for services rendered under the Independent Contractor's agreement.
4. Admit that Plaintiff received IRS 1099 NEC Forms from Defendant for non-employee services rendered.
5. Admit that Plaintiff administers and manages his/her own hours and client approach.
6. Admit that Defendants duty, under the Independent Contractors agreement is to supply leads for sales.
7. Admit that Plaintiff is and was compensated upon closed sales of Insurance Policies.
8. Admit that Plaintiff at all times, has been compensated as per the Independent Contractors Agreement.
9. Admit that Plaintiff filed complaint as an individual.
10. Admit that Plaintiff received letter of demand from Defendant prior to filing Complaint.
11. Admit that Plaintiff filed Complaint, only after receiving Defendant's letter of demand.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 9 day of February, 2023, a true and correct copy of the foregoing has been furnished by electronic mail to all counsel of record.

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By: /s/ Santiago Cueto  
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